

State of South Dakota

EIGHTY-FIRST SESSION LEGISLATIVE ASSEMBLY, 2006

814M0449

HOUSE BILL NO. 1137

Introduced by: Representatives Cutler, Faehn, Haley, Haverly, Klaudt, McCoy, and Roberts
and Senators Adelstein, Duniphan, Koetzle, Kooistra, Nesselhuf, and Sutton
(Dan)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the practice of
2 counseling.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-32-1 be amended to read as follows:

5 36-32-1. Terms as used in this chapter mean:

6 (1) "Board," the Board of Counselor Examiners established under this chapter;

7 (2) ~~"Counseling," rendering or offering to render to any person, group, organization, or~~
8 ~~the general public, a counseling service involving the application of clinical~~
9 ~~counseling principles, methods, or procedures to assist any person in achieving more~~
10 ~~effective personal, social, educational, or career development and adjustment~~
11 "Counseling treatment interventions," the application of cognitive, affective,
12 behavioral, and systemic counseling strategies which include principles of
13 development, wellness, and pathology that reflect a pluralistic society implemented
14 in the context of a professional counseling relationship;

15 (3) ~~"Counseling principles, methods, or procedures," an approach to counseling that~~



emphasizes the counselor's role in systematically assisting any client through all of the following: assessing and analyzing background and current information; formulating a conceptual understanding of the problem; exploring possible solutions; and developing and providing a treatment plan for mental and emotional adjustment or development;

~~(4)~~ "Doctorate or master's degree in counseling," completion of study following a bachelor's degree in a clearly identified counseling program which stands as a recognizable organizational entity within an accredited institution of higher learning and which includes participation in a supervised practicum and internship in counseling;

~~(5)~~(4) "Postgraduate," following completion of study for a master's or doctoral degree;

(5) "Practice of professional counseling," application of mental health, psychological, and human development principles in order to:

(a) Facilitate human development and adjustment throughout the life span;

(b) Prevent, diagnose, and treat mental, emotional, or behavioral disorders and associated distresses which interfere with mental health;

(c) Conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives; and

(d) Plan, implement, and evaluate treatment plans using counseling treatment interventions;

(6) "Supervised internship," an actual on-the-job-experience in professional counseling under the supervision of an on-site supervisor who is a licensed professional counselor or related mental health professional or who is eligible to be licensed;

(7) "Supervised practicum," the providing of counseling to any bona fide client or group

1 seeking services from a counselor. This supervised practicum shall be under the
2 direction of a qualified graduate faculty member and includes critiquing of
3 counseling, either observed or recorded on audio or video tape.

4 Section 2. That § 36-32-9 be amended to read as follows:

5 36-32-9. It is a Class 2 misdemeanor for any person to engage in the practice, or attempt to
6 practice, ~~counseling as a licensed professional counselor without a license, or licensed~~
7 ~~professional counselor--mental health without a certificate, professional counseling without a~~
8 license issued pursuant to this chapter.

9 Section 3. That § 36-32-12 be amended to read as follows:

10 36-32-12. ~~Nothing in this chapter may be construed to prevent anyone from doing work~~
11 ~~within the standards and ethics of the person's respective profession or calling, provided the~~
12 ~~person does not hold himself or herself out to the public as a counselor by using the title~~
13 ~~"licensed professional counselor," "licensed counselor" or "licensed professional counselor--~~
14 ~~mental health" unless the person is licensed or certified under this chapter. This chapter does~~
15 not apply to the activities and services of a person practicing professional counseling as part of
16 that person's duties as a:

17 (1) Professional licensed or certified under this title acting in a manner consistent with
18 state law regarding the scope of practice;

19 (2) Member of the clergy;

20 (3) Person performing volunteer services for a public or private nonprofit organization;

21 (4) Person employed by a school, college, university, or other institution of higher
22 learning;

23 (5) Person who is employed by a federal, state, county, or local governmental institution
24 or agency while performing those duties for which the person was employed by such

1 institution, agency, or facility;

2 (6) Person who is employed by a licensed health care facility, an accredited prevention
3 or treatment facility, an adjustment training center, a nonprofit mental health center,
4 or a licensed or registered child welfare agency;

5 (7) Supervised trainee who has an approved plan of supervision on file with the board;
6 or

7 (8) Mental health practitioner who has a minimum of a master's degree in counseling or
8 related mental health field with a plan of supervision and original transcripts on file
9 with the board before July 1, 2007.

10 Students enrolled in recognized programs of study leading to counseling degrees may
11 practice only under the direct supervision of a counselor educator or counselor licensed under
12 this chapter.

13 Section 4. That chapter 36-32 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 The requirements of subdivisions 36-32-13(5), (6), and (7) are waived if the applicant:

- 16 (1) Has a master's degree in counseling or a related mental health field;
- 17 (2) Has completed an application for licensure before January 1, 2008; and
- 18 (3) Submits three letters of verification on forms provided by the board documenting a
19 minimum of ten years of at least half-time professional counseling in the immediate
20 preceding fifteen years.